

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 GREGORY WEST ENTSMINGER,)

10 Plaintiff,)

11 v.)

12 ROMEO ARANAS et al.,)

13 Defendants.)
14 _____)

3:16-cv-00555-MMD-WGC

ORDER

15 **I. DISCUSSION**

16 On August 23, 2017, this Court issued a screening order which granted Plaintiff leave
17 to amend some of his claims. (ECF No. 11 at 23). The Court stated that if Plaintiff chose not
18 to file a second amended complaint, the case would immediately proceed on Count I-denial
19 of access to the courts (Jane/John Does when Plaintiff learns their identities); Count II
20 (Dr. Vanhorn, Keast, Jacobs, Missy, Dr. Yup, McBroom, Moyle, Navarro, Walsh, Dr. Aranas,
21 and Austin); Count III (Dr. Johns, Nurse Kathy, Melissa Mitchell, Keast, Baca, and Aranas);
22 Count IV (Dr. Remsen, Ilene Sanborn, Keast, Lois Elliot, Dr. Vanhorn, Missy (dental assistant),
23 Perry, Linda Grankowski, Aranas, Jacobs, Dr. Yup, Dr. Peterson, Jennifer (dental assistant),
24 Summer (dental assistant), and Dr. Swope); Count V (Sandoval, Miller, Masto, Laxalt,
25 Cegavske, Clinger, Wilden, Aranas, Bannister, Jacobs, Keast, Nurse Sunshine, Reynolds,
26 Haycock, and Cox); Count VI-equal protection and sex offenders (Missy (dental assistant),
27 Ilene Sanborne, Nurse Sunshine, Jenifer (dental assistant), Perry, Keast, Jacobs, Dr. Yup,
28 Dave (clinic supervisor), Laura (dental assistant), and Alisha (dental assistant)); Count VII-due
process and gold fixtures (Dr. Remsen, Keast, Aranas, and Cox); Count VII-due process and

1 inmate account (Missy (dental assistant), Sanborne, Lara (dental assistant), Dave (clinic
2 supervisor), Melissa Mitchell, Candice (clinic supervisor), Jacobs, Keast, Nurse Sunshine,
3 Reynolds, Haycock, Cox, and Aranas); and Count VIII (Dr. Yup, Dr. Swope, Dr. Vanhorn,
4 Dr. Peterson, Dr. Remsen, Cox, Perry, Snider, Jacobs, Keast, Missy (dental assistant),
5 Sanborne, Lara (dental assistant), Dave (clinic supervisor), Melissa Mitchell, Candice (clinic
6 supervisor), Nurse Sunshine, Reynolds, Haycock, Sandoval, Miller, Mastro, Aranas, and
7 Bannister). (*Id.* at 23-24).

8 On September 14, 2017, Plaintiff filed a motion to extend time to file a second amended
9 complaint. (ECF No. 14). Specifically, Plaintiff seeks a 30-day extension of time to file a
10 second amended complaint to add new allegations about events that took place in May 2017
11 and after. (*Id.* at 1-16). The Court grants the motion for extension of time in part. The Court
12 will grant Plaintiff an extension of time to file a second amended complaint to address any
13 deficiencies addressed by the screening order on the first amended complaint (ECF No. 11,
14 12). However, the Court directs Plaintiff to file a new case for the allegations and claims
15 involving the May 2017 events. Plaintiff may file a new case by submitting an application to
16 proceed *in forma pauperis* and a complaint to the Clerk of the Court.

17 The Court reiterates that, if Plaintiff chooses to file a second amended complaint, the
18 Court will screen the second amended complaint in a separate screening order. However,
19 the Court will not issue a screening order on the second amended complaint for several
20 months. If Plaintiff chooses not to file a second amended complaint, this case will proceed
21 immediately on the above-referenced claims.

22 **II. CONCLUSION**

23 For the foregoing reasons, **IT IS ORDERED** that the motion for extension of time
24 (ECF No. 14) is granted in part. Plaintiff is granted an extension of time to file a second
25 amended complaint with respect to the claims addressed in his amended complaint and the
26 screening order. Plaintiff is denied an extension of time to file a second amended complaint
27 to add new allegations and claims for events that took place in May 2017 and after.

28 ///

1 **IT IS FURTHER ORDERED** that, if Plaintiff chooses to file a second amended
2 complaint curing the deficiencies of his amended complaint, as outlined in the screening order,
3 Plaintiff must file the second amended complaint on or before **Friday, October 20, 2017**.


4 **IT IS FURTHER ORDERED** that the Clerk of the Court will send to Plaintiff the
5 approved form for filing a § 1983 complaint, instructions for the same, a copy of his motion and
6 declaration (ECF No. 14), an approved form application to proceed *in forma pauperis* by a
7 prisoner, and the document entitled information and instructions for filing an *in forma pauperis*
8 application. Plaintiff may initiate a new case by filing an application to proceed *in forma*
9 *pauperis* and a complaint to the Clerk of the Court.

10 **IT IS FURTHER ORDERED** that, if Plaintiff chooses to file a second amended
11 complaint, the Court will screen the second amended complaint in a separate screening order.
12 The screening process will take several months.

13 **IT IS FURTHER ORDERED** that, if Plaintiff chooses not to file a second amended
14 complaint, the case will immediately proceed on Count I-denial of access to the courts
15 (Jane/John Does when Plaintiff learns their identities); Count II (Dr. Vanhorn, Keast, Jacobs,
16 Missy, Dr. Yup, McBroom, Moyle, Navarro, Walsh, Dr. Aranas, and Austin); Count III
17 (Dr. Johns, Nurse Kathy, Melissa Mitchell, Keast, Baca, and Aranas); Count IV (Dr. Remsen,
18 Ilene Sanborn, Keast, Lois Elliot, Dr. Vanhorn, Missy (dental assistant), Perry, Linda
19 Grankowski, Aranas, Jacobs, Dr. Yup, Dr. Peterson, Jennifer (dental assistant), Summer
20 (dental assistant), and Dr. Swope); Count V (Sandoval, Miller, Mastro, Laxalt, Cegavske,
21 Clinger, Wilden, Aranas, Bannister, Jacobs, Keast, Nurse Sunshine, Reynolds, Haycock, and
22 Cox); Count VI-equal protection and sex offenders (Missy (dental assistant), Ilene Sanborne,
23 Nurse Sunshine, Jennifer (dental assistant), Perry, Keast, Jacobs, Dr. Yup, Dave (clinic
24 supervisor), Laura (dental assistant), and Alisha (dental assistant)); Count VII-due process and
25 gold fixtures (Dr. Remsen, Keast, Aranas, and Cox); Count VII-due process and inmate
26 account (Missy (dental assistant), Sanborne, Lara (dental assistant), Dave (clinic supervisor),
27 Melissa Mitchell, Candice (clinic supervisor), Jacobs, Keast, Nurse Sunshine, Reynolds,
28 Haycock, Cox, and Aranas); and Count VIII (Dr. Yup, Dr. Swope, Dr. Vanhorn, Dr. Peterson,

1 Dr. Remsen, Cox, Perry, Snider, Jacobs, Keast, Missy (dental assistant), Sanborne, Lara
2 (dental assistant), Dave (clinic supervisor), Melissa Mitchell, Candice (clinic supervisor), Nurse
3 Sunshine, Reynolds, Haycock, Sandoval, Miller, Mastro, Aranas, and Bannister).

4 DATED: September 18, 2017.

5
6 
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28